

Remarks

Claims 10, 19, 25 and 34 are pending in the application. Claims 1-9, 11-18, 20-24, 26-33 and 35-39 have been canceled without prejudice to or disclaimer of the subject matter therein.

Response to arguments

The Examiner contends that the Applicant's statement, "the Examiner's own remarks indicate that the Examiner understands the claims" amounts to an admission that "if a multilayer structure is present with different types of materials it is inherent that the different layers are going to be different in strength and adhesiveness and any multilayered structure with different types of materials as the layers reads on the claims as so recited." Office Action mailed 4/28/06, page 2, paragraph numbered 2. The Applicant respectfully disagrees; the latter represents the Examiner's conclusions, not any admission of the Applicant. The Applicant has argued that the prior art does *not* disclose a multi-layered water-repellent structure. The Examiner sought to reject the claims as unclear because "no recitation is made as to how the different layers are actually structurally different from one another" Office Action mailed 12/19/05, page 3, paragraph numbered 5. The Applicant was merely pointing out that the Examiner thereby recognized that the claims recite a multi-layered structure.

Claim rejections

Section 102

Claims 10, 25, 29 and 34 were rejected under 35 USC 102(b) as being anticipated by Kato (JP 10261421, equivalent to US 6,127,059). The Applicant respectfully traverses.

With respect to claim 10, Kato does not disclose a base layer including a solidified carbonized binder impregnated into the yarn and connecting filaments of the yarn. This feature improves creep resistance, as described in the present specification at, for example, paragraphs [85] and [86]. The binder is solidified because it is treated

in a carbonizing furnace, thus converting the binder to carbon by burning the binder without air. In Kato, there is no disclosure of a base layer with a solidified carbonized binder, and therefore the creep resistance of the diffusion layer in Kato is not increased. Contrary to the Examiner's assertion, Kato does not disclose a carbonized binder impregnated into a yarn at col. 4, lines 15 et seq. Instead, here Kato only discloses a layer formed on a *surface* of a carbon fiber woven cloth.

With respect to claim 25, Kato does not disclose a water-repellent layer constructed of a multi-layer structure including an inner layer and an outer layer different in adhesiveness and strength to each other, as recited in claim 25. Contrary to the Examiner's assertion, Kato's water-repellent layer 1 is not multi-layered, it is single-layered. The Examiner cites col. 1, lines 15 et seq. of Kato as disclosing a multi-layered structure. The Applicant respectfully disagrees. The cited portion of Kato (and in fact, the entirety of Kato) is completely silent with regard to any multi-layered water-repellent structure.

With respect to claim 29, Kato does not disclose a first water-repellent layer including a first binder made from a synthetic resin having an adhesiveness, and a second water-repellent layer including a second binder made from material having a higher rigidity than said synthetic resin of said first binder, as recited in claim 29. As discussed previously, Kato does not disclose or suggest any kind of multi-layered water-repellent structure.

With respect to claim 34, Kato does not disclose a water-repellent layer coated on a base layer, the water-repellent layer including a mixture of solidified carbon and synthetic resin, the synthetic resin containing filaments of synthetic resin particles, as recited in claim 34. The latter feature is described in the present specification at, for example, paragraph [138].

In view of the above, claims 10, 25, 29 and 34 are allowable over Kato. Withdrawal of the asserted rejection is therefore respectfully requested.

Claim 19 was rejected under 35 USC 102(e) as being anticipated by Beattie et al. (US 6,667,127) ("Beattie"). The Applicant respectfully traverses. Beattie does not disclose a base layer including a non-woven carbon paper comprising carbon fibers,

and a synthetic carbonized resin binder impregnated into the carbon paper, the binder impregnated into a first portion of the carbon paper in an amount such that the first portion more rigid than a second portion of the carbon paper, and omitted from or impregnated into the second portion in an amount such that the second portion is more flexible than the first portion, the first and the second portions being distributed in alternating planar regions across the base layer, as recited in claim 19. The claimed structure makes it possible, for example, for the base layer to be wound to a roller, as described in the present specification at paragraphs [103] and [104].

Accordingly, withdrawal of the asserted rejection is respectfully requested.

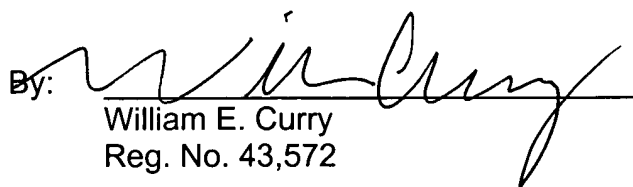
Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: August 22, 2006

By: 
William E. Curry
Reg. No. 43,572

KENYON & KENYON LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201